

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:

WILTON LEO GRAY
MYRLEE GRAY

Debtors

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CASE NO. 05-10367

DECISION AND ORDER

At Fort Wayne, Indiana, on August 7, 2006.

The notice of motion and opportunity to object which debtors (hereinafter "Movant") served in connection with its motion to suspend plan payments does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The stated deadline for filing objections, July 28, 2006, is only 10 days after the date of the notice and creditors are entitled to at least twenty (20) days notice of the opportunity to file objections. N.D. Ind. L.B.R. B-2002-2(b)(1).
- b. Based upon counsel's certificate of service, all creditors and parties in interest have not been served with a copy of the notice as required by the Federal Rules of Bankruptcy Procedure. See, e.g. Fed.R.Bankr.P. Rule 2002(a), 3015(g), 6007; N.D.Ind.L.B.R. B-2002(d)].

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereof within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court

